

UNITED STATES DISTRICT COURT
DISTRICT OF SOUTH DAKOTA
NORTHERN DIVISION

RODRIGO BERNABE-REYNOSO, Petitioner, vs. UNITED STATES OF AMERICA, Respondent.	1:24-CV-01002-KES ORDER ADOPTING THE REPORT AND RECOMMENDATION IN FULL AND DISMISSING PETITION FOR WRIT OF HABEAS CORPUS
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Petitioner, Rodrigo Bernabe-Reynoso, a federal inmate, filed a petition for writ of habeas corpus under 28 U.S.C. § 2241 seeking relief from an Immigration and Customs Enforcement detainer placed on him. Docket 1. The matter was referred to a United States Magistrate Judge under 28 U.S.C. § 636(b)(1)(B) and the District of South Dakota's Civil Local Rule of Practice 72.1.A.2(b), which designates to the magistrate judge the duty to prepare proposed findings and recommendations for the disposition of habeas petitions. Magistrate Judge Mark A. Moreno issued a report recommending that Bernabe-Reynoso's petition be dismissed for three reasons: lack of subject matter jurisdiction, lack of personal jurisdiction, and Bernabe-Reynoso's failure to comply with the court's order directing him to pay the \$5.00 filing fee by March 4, 2024. Docket 9. The time for objecting to the report and recommendation has passed. *See id.* at 5–6. No objections have been filed in this case. The court has considered the case de novo and adopts the report and recommendation in full. Thus, it is

ORDERED that Magistrate Judge Moreno's report and recommendation (Docket 9) is adopted in full and Bernabe-Reynoso's petition under 28 U.S.C. § 2241 (Docket 1) is dismissed without prejudice.

DATED April 11, 2024.

BY THE COURT:

/s/ Karen E. Schreier

KAREN E. SCHREIER
UNITED STATES DISTRICT JUDGE